

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **2:23-cv-10553-PA-SHK**

Date: October 16, 2024

Title: ***Terri L. Baker v. Louis Dejoy, et al.***

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Present: The Honorable Shashi H. Kewalramani, United States Magistrate Judge

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D. Castellanos

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Petitioner(s):

Attorney(s) Present for Respondent(s):

None Present

None Present

**Proceedings (IN CHAMBERS): FINAL ORDER TO SHOW CAUSE**

The operative complaint in this case is the First Amended Complaint (“FAC”), filed on March 11, 2024. Electronic Case Filing Number (“ECF No.”) 10, FAC. On August 26, 2024, the Court issued a Report & Recommendation (“R&R”) recommending that this case be dismissed without prejudice for lack of personal jurisdiction due to insufficient service. ECF No. 25, R&R at 1. Specifically, the R&R found, in relevant part, that despite having two opportunities to cure defects in service, Plaintiff Terri L. Baker (“Plaintiff”) failed to serve a copy of the summons and the FAC on the United States Attorney’s Office (“USAO”). *Id.* at 4.

On September 6, 2024, Plaintiff objected to the R&R (“Objection” or “Obj.”) and, in relevant part, attached a proof of service indicating that only the summons had been served on the USAO. ECF No. 27, Obj. at 3. As the Court has repeatedly instructed, proper service under Federal Rule of Civil Procedure 4(c)(1) requires Plaintiff to serve both a copy of the summons and the operative complaint, here the FAC, on Defendants. However, in an email exchange between Plaintiff and Plaintiff’s process server submitted as an attachment to the Objection, it appears that the process server did, in fact, receive both the summons and the FAC from Plaintiff. *Id.* at 4.

Because Plaintiff appears to have provided the process server with the summons and the FAC to serve on the USAO, the Court **WITHDRAWS** the R&R and **ORDERS PLAINTIFF TO SHOW CAUSE, one final time, by October 30, 2024**, why this case should not be dismissed for failure to prosecute, follow Court orders, and perfect service on Defendants. Plaintiff can satisfy

this order by submitting a declaration from the process server indicating that the process server in fact served the FAC on the USAO.

Plaintiff is cautioned that failing to provide such declaration from the process server to the Court **will result in a recommendation that this action be dismissed for failure to prosecute, follow Court orders, and perfect service on Defendants.**

**IT IS SO ORDERED.**